IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9055 of 2004

Between:

Mallada Seetarama Rao, S/o Late Satti Raju,
R/o H.No.12-2-101, Nehru Market, Badrachalam,

Khammam District.

..... PETITIONER

AND

1 The Sub-Collector, Badrachalam, Khammam District.
2 The Executive Offier, Sri Rama Divya Kshetram,
Bhadrachalam Town Ship, Bhadrachalam,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in taking steps to demolish the house bearing No.12-2-101, Nehuru Market Badrachalam, Khammam District without issuing any notice and without due process of law is illegal and void and opposed to Article 14,19,21 and 300-A of the Constitution of India consequently to direct the respondents not to demolish H.No.12-2-101, Nehuru Market Badrachalam, Khammam District in question without due process of the law.

Counsel for the Petitioner: MR.NAGESH BHEEMAPAKA

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MRs G. JOTHI ESWAR

The Court at the stage of admission made the following:

ORDER:

The present writ petition is filed questioning the action of the respondents in taking steps to demolish the house of the petitioner bearing No. 12-2-101, Nehru Market, Badrachalam, Khammam district, the present writ petition is filed.

The petitioner claims to be owner of the subject house. The grievance of the petitioner is that the respondent Gram Panchayat is taking steps to demolish his house, without issuing notice and without following the due process contemplated under law.

This Court by order dated 18-5-2004 while issuing notices to the respondents granted interim direction to the respondents not to demolish petitioner's house.

Though no counter affidavit is filed, learned Government Pleader for Revenue submitted that the respondent authorities will follow due procedure contemplated under law, before demolition, if any.

In view of the statement made by the learned Government Pleader, in stead of keeping the matter pending, I deem it appropriate to dispose of the same directing the respondents to follow due process before eviction or demolition, if any.

Accordingly, the writ petition is disposed of. No costs.

_____ N.V.RAMANA,J

24-1-2005

TVK

To:

1 The Sub-Collector, Badrachalam, Khammam District.
2 The Executive Offier, Bhadrachalam Town Ship,

Bhadrachalam, Khammam District

3 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

4 Two CD copies